United Nations S/2009/211

Security Council

Distr.: General
17 April 2009

Original: English

Report of the Secretary-General on the Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005), in which the Council requested that it be kept regularly informed of progress in the implementation of the Comprehensive Peace Agreement in the Sudan. The report provides an assessment of the overall situation in the country since my previous report, dated 30 January 2009 (S/2009/61), as well as an update on the activities of the United Nations Mission in the Sudan (UNMIS) through 7 April 2009.

II. Security situation

2. The overall security situation remains fragile and unpredictable. Several incidents of significant violence marked the reporting period, in addition to ongoing tribal conflicts and heightened tensions following the announcement of the International Criminal Court arrest warrant for President Omar al-Bashir.

3. On 24 February, fighting erupted in Malakal, Upper Nile State, between the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) elements of the Joint Integrated Unit stationed in Malakal. SPLA regulars deployed nearby also quickly engaged the SAF elements of the Joint Integrated Unit. Heavy fighting continued for most of the day and sporadic firing continued throughout 25 February. The situation had stabilized by 28 February, but remains tense. Available estimates place casualties at a minimum of 62 dead (at least 31 of whom were civilians) and 94 wounded (at least 21 of whom were civilians). The situation was contained by swift action taken jointly by the parties to the Comprehensive Peace Agreement and UNMIS.

4. Elements of the Lord's Resistance Army (LRA), scattered by the destruction of their bases in the Democratic Republic of the Congo, have continued to destabilize areas of Western and Central Equatoria in Southern Sudan since December 2008. While the number of attacks has decreased since the last reporting period, LRA appears to have dispersed into smaller groups focused on raiding civilian populations for basic needs. Joint patrols by SPLA and Southern Sudanese security services have provided some additional security in the area. Nevertheless, at least nine separate incidents may be attributable to LRA during the reporting period.

Please recycle

5. Tribal conflicts continue to present major security and human rights concerns in several parts of Southern Sudan. Heavy inter-tribal fighting in Jonglei State from 5 to 12 March was reportedly sparked by Lou Nuer attacks on Murle towns east of Bor. Local officials report that more than 450 civilians were killed in the fighting, and more than 5,000 were displaced. Immediately following the attacks, humanitarian agencies were able to provide life-saving assistance to most of the affected communities. While the Lou Nuer and Murle have a long history of conflict and cattle raiding, local Murle leaders insist that these types of direct attacks on small towns with concentrated civilian populations are unprecedented. Conflict between different tribes and subtribes led to violence in at least 57 other incidents in Jonglei and Lakes States during the reporting period, resulting in at least 234 deaths.

6. On 4 March, the International Criminal Court Pre-Trial Chamber I announced that it had issued an arrest warrant for President al-Bashir on charges of war crimes and crimes against humanity. The announcement of the warrant prompted a series of largely non-violent protests in Khartoum, El Obeid, Kadugli, Port Sudan, Dilling, Wad Madani and Kassala. Peaceful demonstrations were staged in front of the UNMIS and United Nations Development Programme (UNDP) compounds in Khartoum, and petitions were submitted to senior United Nations staff by several organizations.

III. Political developments

7. The International Criminal Court's arrest warrant dominated the Sudanese political environment throughout the reporting period, both in the anticipation preceding the announcement and in its aftermath. The warrant itself and the uncertainty and speculation surrounding it have become the primary political focus throughout the Sudan, monopolizing much of the leadership's attention and energy. The Sudanese Government immediately denounced the decision and called upon States parties to the Rome Statute of the International Criminal Court to withdraw from the Court. On 12 March, the National Assembly convened an emergency session to declare its support for the President.

8. The ruling National Congress Party (NCP) has remained publicly united behind President al-Bashir, and most other Sudanese political figures have supported the President on this issue as well. The President of the Government of Southern Sudan, Salva Kiir, issued a statement on 3 March, calling for cooperation with the international community but also appealing for public support for the President. The Secretary-General of the Popular Congress Party, Hassan al-Turabi, arrested in January days after publicly calling upon President al-Bashir to surrender himself to the International Criminal Court and released on 8 March, remains the most prominent opposing Sudanese voice on this issue.

9. The Malakal incident represented a major breach of the Ceasefire Agreement. It was triggered by the arrival of SAF Major General Gabriel Tanginya, a former commander of a local militia force from which most of the SAF troops in the Malakal Joint Integrated Unit were drawn, on the morning of 23 February. Major General Tanginya has had a long and difficult history in the area, and is currently wanted by the Government of Southern Sudan in connection with the 2006 clashes in Malakal which reportedly claimed 150 lives. In the evening of 23 February, the UNMIS Force Commander convened an emergency meeting of the Ceasefire Joint

Military Commission in Khartoum, which decided upon several measures that, if implemented on the ground, could possibly have prevented the violence. Once fighting erupted the next day, both NCP and SPLM reacted quickly, immediately sending senior political leadership to Malakal who worked together effectively to contain the situation. Nevertheless, Major General Tanginya's appearance in the area and the quick resort to military force by both parties exacerbated existing tensions and distrust in their relationship. Major General Tanginya has since left the area.

10. In regard to border demarcation, discussions appear to have shifted from a technical to a political level. The final report of the Ad Hoc Technical Border Committee to the Presidency, due in November 2008, remains outstanding and the parties continue to negotiate on contested border areas. UNMIS has agreed to the Boundaries Committee's request to provide training to its staff.

11. While the National Assembly postponed its planned special February session, senior NCP and SPLM political leaders continue discussions on critical legislation. The Assembly is now expected to reconvene in April. The parties are still negotiating over the National Security Act, the Trade Union Act, the Southern Sudan Referendum Act, and legislation governing the Abyei Referendum and Popular Consultations in Southern Kordofan and Blue Nile States. The Press and Publication Bill was passed by the Cabinet in March and forwarded to the National Assembly to be debated.

12. In preparation for the elections, several Sudanese political parties held their national conventions and elected leadership, including the National Umma Party, the Communist Party of the Sudan, the Ba'ath Arab Socialist Party, the Umma Party of Reform and Renewal, and the United Democratic Front. Since January, the Political Parties Affairs Council has met with representatives of both registered and non-registered parties to discuss the difficulties surrounding the registration requirements contained in the 2007 Political Parties Act.

13. Tensions between the Sudan and Chad have increased significantly since the unification of several Chadian armed groups in the Sudan in January and statements made by President Idriss Déby during his visit to the border area. The Contact Group meeting originally planned for December 2008 and the proposed meeting between Presidents al-Bashir and Déby in Khartoum continue to be postponed. At a mid-March conference in Blue Nile State, the Sudan and Ethiopia agreed on measures to strengthen cooperation on security, trade, agriculture and public health along their joint border.

IV. Implementation of the Comprehensive Peace Agreement

Abyei

14. The Abyei Area Administration and the Presidency have not yet reached an agreement on the Administration's budget, severely impeding the Administration's capacity to establish its presence or provide services throughout the Abyei Road Map Area. The Administration currently has no operating funds, and owes much of its staff several months' salaries. Ongoing budget negotiations in Khartoum have further limited the Administrator's capacity to address urgent local issues such as the provision of essential basic services. Despite the Administration's best efforts to

encourage returns, concerns about the area's security and uncertainty about its future legal status appear to have had a negative effect on returns.

15. The Misseriya seasonal migration through the Road Map Area has, to date, proceeded without significant incident. However, limited access to water, disputes over disarmament, lingering anger over last year's fighting, and perceptions of unequal treatment by the Government and the international community remain significant sources of friction. UNMIS has worked closely with local tribal leaders and Abyei Administration authorities to encourage negotiations and diffuse tensions, and is currently supporting the organization of a multi-state inter-tribal conference to address migration and cross-border issues.

16. The lack of necessary resources, particularly appropriate vehicles and communications equipment, continues to present a major challenge for both the Joint Integrated Unit and Joint Integrated Police Unit in the Road Map Area. As a result, efforts to deploy the Joint Integrated Unit to strategic villages along the Misseriya migration routes have proven very difficult, and the Joint Integrated Police Unit has been able to establish little or no presence beyond Agok and Abyei town. The United Nations police-facilitated installation of the communications equipment provided by Germany is progressing, and will link the Abyei Road Map Area with police headquarters in Khartoum and Juba as well as Joint Integrated Police Unit stations with their headquarters in Abyei town.

17. The work of the Abyei Arbitral Tribunal at the Permanent Court of Arbitration continues on schedule. The parties submitted written counter-memorials and rejoinders on 13 and 28 February. Oral arguments are to begin on 18 April, and a final decision is expected by late July.

Southern Kordofan State

18. UNMIS and the United Nations country team supported the State government's efforts to promote political and inter-tribal reconciliation, while providing or improving basic infrastructure. The overall State-wide security situation remains relatively calm. However, local dissatisfaction with a perceived lack of peace dividends, an abundance of available firearms, and continuing inter-tribal friction remain potential sources of conflict. Internal conflict within the Nuba Mountains SPLM leadership is hampering the State's power-sharing administration and obstructing the reintegration of the former SPLM-controlled "closed areas".

Redeployment of forces

19. As of 31 March, SAF had redeployed 95.5 per cent of the 46,403 troops initially stated to be south of the current border line, and SPLA had redeployed 10.6 per cent of the 59,168 troops initially stated to be north of the line.

20. On 2 March, SPLA withdrew its last remaining troops in the Abyei Road Map Area from the town of Agok; SAF followed suit by withdrawing its final remaining troops from Diffra on 9 March. While Northern Petroleum Police remain deployed at the oil fields in Diffra, the local Joint Integrated Unit is now the only military force stationed within the Abyei Road Map Area.

Joint Integrated Units

21. The reverification process of Joint Integrated Unit troop strength figures, as agreed by the Ceasefire Joint Military Commission in August and November 2008, was further extended beyond 20 January 2009. As of 24 March, reverified Joint Integrated Unit troop strength stood at 33,211, or 83.78 per cent of the mandated 39,639 troops. The Units still lack sufficient communications equipment, transport, administrative facilities, accommodation, water and sanitation. Financial and logistic supply lines are only partially unified. Working with the Joint Integrated Unit headquarters in Juba, UNMIS is exploring options to accelerate logistical support and specialist assistance for the Units from the international community. The $978,593 pledged by the Government of the United Kingdom of Great Britain and Northern Ireland for the Joint Integrated Unit Trust Fund was received on 10 March.

22. The recent fighting in Malakal once again heightened concerns regarding the Units' command and control, integration, and ability to retain cohesion in crisis conditions. The parties have repeatedly postponed a joint session of the Ceasefire Political Commission and the Joint Defence Board intended to address these issues.

National census and elections

23. The results of the census conducted in April 2008 remain outstanding. Following a 16 February meeting, the Technical Working Group on the Census, whose membership includes Central Bureau of Statistics and the Southern Sudan Centre for Census, Statistics and Evaluation representatives, decided that additional checks were necessary before results could be released. Results are to be submitted to the Population Census Council after the Bureau and the Centre have confirmed that no outstanding issues remain. On 26 March, the Technical Working Group met again and endorsed the Census Priority Results for transmission to the Population Census Council. The Council is responsible for submitting them to the Presidency, which will make the final pronouncement of the results.

24. On 2 April, the National Elections Commission announced a proposed time frame for elections according to which polling is scheduled for February 2010. The National Elections Commission continues to focus on building the operational capacity needed to complete election preparations. High committees at the Southern Sudan and state levels have not yet been named, fully functioning offices must be established at the national, regional and state levels, and a significant number of policies and procedures must be developed. A massive voter education effort, based on the National Elections Commission's policy decisions, will be needed to familiarize voters with the electoral process.

Wealth-sharing

25. According to a Government of Southern Sudan Ministry of Finance and Economic Planning report on the oil sector, the Sudan's total oil revenue in 2008 was $6,566.04 million, of which the Government of Southern Sudan share was $2,888.3 million. In mid-February 2009, officials in both Governments disclosed

that, after payments and adjustments, arrears owed to the Government of Southern Sudan stood at approximately $210.65 million.

26. In accordance with the Abyei Protocol and the Abyei Road Map Agreement, Warrab and Southern Kordofan States each received a $10.77 million share of Abyei's past oil revenue. The Ministry of Finance and National Economy has reported that it received instructions in February to transfer the agreed 2 per cent shares allotted to local Ngok Dinka and Misseriya; UNMIS has been unable to confirm receipt of funds.

27. Declining oil prices in recent months and their consequent impact on national revenues have become a serious concern for both the Government of National Unity and the Government of Southern Sudan, with both considering various options to address the situation. Non-oil revenue remains a relatively small portion of the budget; according to the Ministry of Finance and National Economy, in 2008 the Government of Southern Sudan collected a total of 34.2 million Sudanese pounds in taxes. After an adjustment of 8 per cent for administrative charges, the balance has been divided equally between the national and Southern Sudan Governments.

V. Implementation of other peace processes in the Sudan

28. On 9 February 2009, the Government of National Unity and the Justice and Equality Movement (JEM) met in Doha, under the auspices of the Joint African Union-United Nations Chief Mediator and with the support of the Government of the State of Qatar. This was their first meeting since the attack upon Omdurman on 10 May 2008. On 17 February, the two parties signed the Agreement of Goodwill and Confidence-building, which committed both sides to a process to find a peaceful, political solution to the conflict, including putting permanent representatives in place in Doha. The agreement included provisions to refrain from the harassment of internally displaced persons, guarantee the flow of humanitarian aid and agree to an eventual prisoner exchange. Both parties subsequently released prisoners as gestures of goodwill. Following the decision on 4 March of the International Criminal Court and the decision of the Government of the Sudan to expel 13 international non-governmental organizations (NGOs) and dissolve 3 national NGOs operating in north Sudan, JEM suspended its participation in the peace process. The AU-UN Mediation is continuing its consultations between all of the parties and with regional partners to try to advance the peace process and to broaden it to include other movements and civil society. In Addis Ababa, the high-level panel appointed by the African Union to explore accountability issues related to the Darfur conflict was inaugurated on 18 March. The panel is headed by the former President of South Africa, Thabo Mbeki, and is expected to issue a report in July 2009.

29. The Government of National Unity and the Eastern Front made some progress in implementing the Eastern Sudan Peace Agreement, despite continued divisions among Eastern Front leadership and the High Joint Committee's failure to meet since November 2008. The disarmament, demobilization and reintegration of former Eastern Front troops continues, and the Eastern Sudan Reconstruction Fund has inaugurated a number of recovery and development projects in Kassala State, focusing on health, education and women's livelihoods.

30. The offensive against LRA bases in the Democratic Republic of the Congo launched on 14 December effectively brought an end to the Juba peace process. Negotiations are not expected to recommence in the near future.

VI. Implementation of the mandate of the United Nations Mission in the Sudan

Good offices, conflict management and reconciliation

31. Throughout the reporting period, my Special Representative maintained constant dialogue with the Sudanese political leadership and key stakeholders in the peace process.

32. During the Malakal crisis, UNMIS assumed its good offices role both in Khartoum and on the ground. On 24 February, my Special Representative called upon the SAF and SPLA leadership to ensure that the Joint Integrated Units worked together to protect civilians. As the Ceasefire Joint Monitoring Commission Chair, the UNMIS Force Commander worked with both parties to prevent and later contain the situation. The Ceasefire Joint Military Commission and the State Security Committee joint initiative laid the groundwork for the disengagement of the forces and security arrangements to be monitored by the Area Joint Monitoring Committee, chaired by the UNMIS Sector Commander.

Military deployment and activities

33. As of 6 April, 9,281 out of the authorized 10,000 UNMIS military personnel were deployed in the Sudan, including 560 military observers, 184 staff officers and 8,537 troops. Regular operations continued throughout the reporting period, including support to the Comprehensive Peace Agreement ceasefire mechanisms and joint patrols of military observers and the parties' national monitors.

34. The facilities at El Obeid Logistics Base have been upgraded in accordance with the Military Capability Study, and reinforced with troops from Sector V (Pakistan), increasing the local Force Protection Company from 104 to 120 soldiers.

35. During the hostilities in Malakal, UNMIS dispatched several armoured personnel carriers and Quick Reaction Teams to evacuate a total of 241 United Nations and civilian personnel to safety (17 UNMIS police, 19 UNMIS military observers, 19 national and 38 international United Nations staff, and 148 civilian humanitarian aid staff). UNMIS Military is continuing to monitor military deployments in the area and maintains a presence with armoured personnel carrier-mounted patrols. At the parties' request, UNMIS has provided secure weapons storage facilities to the Joint Integrated Units.

Police

36. As of 6 April, UNMIS has deployed 96 per cent of its mandated police strength (685 police advisers, including 60 women, out of 715) to 22 sites throughout the Mission area.

37. UNMIS police continued to train local police throughout the Mission area with special focus on basic training, force protection units, and the training of specialists. It is also preparing the Southern Sudan Police Service to assume responsibility for basic training. UNMIS Police trained 721 officers (including 68 female officers) in the north and 814 officers (including 50 female officers) in the south in 32 courses in forensics, computers, traffic, airport security, community policing and other subjects. UNMIS police facilitated the deployment of an additional 67 Government of Sudan Police personnel to the Joint Integrated Police Unit in Abyei, bringing the Unit's strength to 327.

38. The newly expanded Police Development Committee,[1] chaired by the Government of Sudan Police Director General, met in Khartoum on 29 January. The Committee assured UNMIS police and UNDP full cooperation on training, including the community policing programme in internally displaced person's camps, and the training of female officers of the Government of Sudan Police.

39. On 3 February, the Sudan Police approved the joint UNMIS/United Nations-African Union Hybrid Operation in Darfur (UNAMID)/UNDP community policing proposal for north Sudan and Darfur to train internally displaced persons, open community aid posts, and promote awareness programmes. The Sudan Police also requested the expansion of UNMIS police training programmes to five additional states in north Sudan as well as the conduct of training and co-location in three additional internally displaced person camps in the Khartoum area.

40. The Southern Sudan Police Service has requested UNMIS police to provide increased capacity-building, training, and co-location at all levels.

41. The Government of Japan has offered $2 million in support for the joint UNMIS police, UNDP and Southern Sudan Police Service Three-Year Strategic Plan, which is aimed at transforming the current militarized police force into a professional civilian force. The partners are currently prioritizing projects to be undertaken.

42. Police development in the Sudan still faces many challenges. Delays in training continue to impact service delivery with immediate consequences on the communities, including violations of human rights and insensitive approaches to vulnerable civilians. In this regard, the UNMIS police concept of operations has been revised to meet more effectively the needs of basic police training and to expand the co-location programme, focusing on the practical application of training and capacity-building.

Disarmament, demobilization and reintegration

43. The Sudan Disarmament, Demobilization and Reintegration Programme was launched in Ed-Damazin, Blue Nile State, on 10 February, and as of 31 March had demobilized 1,592 combatants and members of the Special Needs Groups. The *reintegration* component of the programme started on 24 March in Blue Nile State. All candidates received their reinsertion packages for three months. Reflecting the priority given to gender-responsiveness, the first participant to be demobilized was a woman associated with the Popular Defence Forces. The programme launch was the result of the combined efforts of the Joint Disarmament, Demobilization and Reintegration Commission, the World Health Organization and the World Food

Programme, along with Government of National Unity, Government of Southern Sudan, SAF and SPLA counterparts.

44. Following the successful disarmament, demobilization and reintegration programme launch in Ed-Damazin, UNMIS expedited efforts to establish demobilization sites in Julud and Kadugli, Southern Kordofon State. Disarmament and demobilization activities in these areas are expected to begin by mid-April.

45. The Southern Sudan Disarmament, Demobilization and Reintegration Commission and UNMIS inaugurated the first State Office in Torit, Eastern Equatoria State, on 6 February. This is the first of 10 state offices where staff of both entities will be co-located.

46. On 16 February, the second Disarmament, Demobilization and Reintegration Round Table met in Juba to reaffirm the stakeholders' commitment to the process and secure funding for the reintegration programme. The donor community pledged a total of $88.3 million for 2009 and 2010, conditioned upon the continued development of certain key disarmament, demobilization and reintegration programme areas, including the proportional downsizing of the armed forces, an effective weapons verification and disposal system, and an effective monitoring and evaluation system. The Government of National Unity and the Government of Southern Sudan committed themselves to such programme development, as well as to the release of $45 million in direct support to disarmament, demobilization and reintegration participants and measures to ensure their access to land.

47. The impending release by the SPLA of 35,000 former combatants in the so-called Special Needs Groups may pose a risk to stability and presents the Southern Sudan Disarmament, Demobilization and Reintegration Commission with a major management challenge. Each of those 35,000 will need reintegration support, but given current fiscal pressures, the Commission lacks the available resources to fully service even its current caseload. UNMIS is supporting a state-by-state Commission caseload assessment and is helping the Commission to explore avenues for raising additional funds. Additional challenges include the transparent and consistent verification of disarmament, demobilization and reintegration participants and the development of a standardized approach towards both SAF and SPLA candidates.

Return and reintegration

48. No organized returns of internally displaced persons occurred during the reporting period. As returns have gradually diminished, attention has shifted to early reintegration activities which will be supported through a central database containing data from field offices in all 10 southern states and the Three Areas.

49. Available estimates indicate that well over 2.2 million Sudanese internally displaced persons and refugees have returned home since the signing of the Comprehensive Peace Agreement in 2005. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported a total of 152,960 refugees repatriated through UNHCR organized and assisted programmes since then, of whom 13,595 had arrived since the beginning of 2009. This brought the grand total of refugee repatriation, including spontaneous repatriation, to 309,790 since the signing of the Comprehensive Peace Agreement.

Recovery and development

50. Immediately following the International Criminal Court's announcement on 4 March, the Humanitarian Assistance Commission revoked the operating licences of 13 international NGOs and dissolved 3 national NGOs. According to the Government of Southern Sudan and the Sudan People's Liberation Movement (SPLM) leadership, the Ministers of Foreign Affairs and Humanitarian Affairs in the Government of National Unity had been neither included in the decision-making process nor informed of the decision taken. President al-Bashir has since then indicated that further expulsions may be ordered and that he intends to "Sudanize" humanitarian aid delivery in the country within one year.

51. In order to address the implications for humanitarian, recovery and development programmes in north Sudan, the United Nations is pursuing a three-track approach, which focuses on persuading the Government of National Unity to reconsider its decision to expel the 13 NGOs; mitigating immediate risks that could create a crisis; and wholesale reconfiguring of the aid architecture, in close coordination with the Government of National Unity and consultations with the donor agencies and NGOs, in order to ensure continuity of services.

52. Between 11 to 19 March, the United Nations and the Government of National Unity organized joint technical assessment missions to the three Darfur states to gauge the humanitarian impact of the expulsion of the NGOs and assess capacity to meet emergency needs in these areas. The summary of findings, jointly signed by UNMIS and the Government of National Unity, showed that while there are no current emergencies in the short term, plans will have to be put in place to ensure gaps in services are bridged in a sustainable long-term manner as soon as possible.

53. In Abyei, Southern Kordofan State, Blue Nile State, and eastern Sudan, the expulsion order runs the risk of disrupting humanitarian assistance to internally displaced persons, affecting efforts to deliver peace dividends in fragile and war-affected areas as well as activities designed to support peace and stability. It may also impact efforts to strengthen civil society involvement in recovery and peacebuilding. In that regard, the Humanitarian Aid Commission, Southern Sudan Relief and Recovery Commission/SPLM and the Three Areas Committee agreed to conduct joint technical assessment missions in the Three Areas, with support from UNMIS. These missions will run from 31 March and until 12 April and will review the programmes of the expelled NGOS and assess the gaps resulting from the suspension of these programmes.

54. The affected organizations will continue operating in Southern Sudan under a registration with the Southern Sudan Relief and Recovery Commission. In the Three Areas, a working group composed of the Minister for Humanitarian Affairs, State Minister for Humanitarian Affairs and Chairperson of the Southern Sudan Relief and Recovery Commission is reviewing the expulsion. For the time being, affected organizations remain in the Abyei area. The Chief Administrator issued a note on 10 March attesting that within the Abyei Road Map Area, all NGOs, including those expelled by the Humanitarian Aid Commission, can continue to operate.

55. In terms of recovery and development, Southern Sudan faces a different set of issues. Inter-tribal conflict, LRA attacks, and severe budget pressures continue to tax its limited and fragile recovery capacity. Humanitarian agencies are providing emergency assistance, but gaps in food, shelter and water and sanitation remain.

Access to internally displaced persons and refugees near the southern border requires armed escorts.

Human rights

56. The newly established Human Rights Forum held its first meeting in Khartoum on 5 February. Co-chaired by UNMIS Human Rights and the Government of National Unity's Advisory Council on Human Rights, the Forum will report on human rights violations related to the Comprehensive Peace Agreement, encourage transparent dialogue, and allow for discussion of human rights initiatives, including legal reform.

57. On 3 February, the Southern Sudan Legislative Assembly adopted legislation establishing an autonomous Southern Sudanese Human Rights Commission intended to monitor the application of the rights and freedoms contained in the Interim Constitution of Southern Sudan and international human rights treaties ratified by the Sudan. The legislation provides the Commission with wide-ranging powers, including the authority to investigate complaints, visit prisons and monitor governmental compliance with treaty obligations. The bill was signed into law on 16 February by the President of Southern Sudan.

58. In early March, the Sudanese Government took measures against several human rights defenders and support organizations. On 1 March, the Government informed the Khartoum Centre for Human Rights and Environmental Development and the Amal Centre for Treatment and Rehabilitation, which assist crime and torture victims, that their legal registrations had been nullified. On 4 March, the Khartoum Centre's offices were raided and its assets and files seized. On 5 March, the Government dissolved the Sudan Social Development Organization, which provides legal aid services to vulnerable people in Darfur, and seized its assets. On 28 January, a former official of the Popular Police Forces was found guilty of espionage for allegedly planning to provide information to the International Criminal Court, and sentenced to 17 years' imprisonment. UNMIS Human Rights monitored the case and notes with concern that the defendant was held without charge or access to legal counsel for over three months, and that, once appointed, defence lawyers were denied access to the principal material evidence submitted by the prosecution. The court based its judgment partly on an allegedly coerced confession.

Electoral assistance

59. According to the Comprehensive Peace Agreement, national elections should be held no later than the end of the fourth year of the interim period, namely, 9 July 2009, and the parties to the Agreement should "review the feasibility of the election dates" six months before the end of the third year of the interim period (i.e., January 2008). This review did not take place and the parties have now stated their preference that the National Elections Commission set the election date. In this regard, the National Elections Commission announced on 2 April the proposed time frame for elections, which provides for polling at the presidential, state governor and legislative levels to take place in February 2010.

60. UNMIS continues to build its electoral assistance capacity to support the Sudanese authorities according to its mandate. Approximately 75 per cent of the Mission's authorized electoral assistance staff is in place in Khartoum, the regional office in Juba, and small teams in each of the 10 states of Southern Sudan. Recruitment of a small team for El Fasher to facilitate closer coordination with UNAMID is also under way. UNMIS, UNAMID and UNDP are actively engaged in coordination mechanisms both within the United Nations system and with the wider international community.

61. On 5 April, the National Elections Commission requested UNMIS that a United Nations needs assessment mission be sent to the Sudan to review with it support required to implement the elections timetable. The Needs Assessment Mission, which is being organized by the Department of Peacekeeping Operations and the Electoral Assistance Division of the Department of Political Affairs, with UNDP, the Department of Field Support and other relevant United Nations partners, is scheduled to visit the Sudan in late April/early May. The Needs Assessment Mission will, inter alia, work with the National Elections Commission and other Sudanese and international stakeholders to assess practical and cost-effective United Nations system assistance activities, including the coordination role of UNMIS, to support the organization and conduct of credible elections. Its recommendations will be presented in due course to the Security Council and General Assembly, particularly in regard to additional resources that may be required for UNMIS to play its role in supporting the electoral process in the Sudan.

62. While the draft Referendum Act is not yet finalized, it is expected to be presented in the upcoming April-June session of the National Assembly. The Comprehensive Peace Agreement stipulates that voter registration for the referendum take place during the first three months of the sixth year of the interim period (i.e., 9 July-9 October 2010). The establishment of the Referendum Commission is envisaged soon after the adoption of the Referendum Act, and UNMIS will be ready to support this Commission as part of its electoral assistance mandate. The parties are strongly urged to make preparations now so that the Referendum Commission can be established concurrently with the passage of the Act, and thereby start preparations for the referendum expeditiously.

Rule of law

63. In the reporting period, the Southern Sudan Human Rights Commission Act, the Judiciary Decisions Act and Court Regulations, the Penal Code, the Criminal Procedure Code, the SPLA Act and the new Southern Sudan Land Act have been passed into law in Southern Sudan. First drafts of the Prisons and Police Services Bills are also under review. The gazetting and publication of the State Constitutions and laws in Southern Sudan began in February.

64. UNMIS and UNDP continue to cooperate with the judiciary and the Attorney General on programmes to promote access to justice and protect the legal rights of vulnerable groups. UNMIS conducted workshops on juvenile justice frameworks and gender-sensitive legislation. In Southern Sudan, UNMIS continues to provide advisory support on key legislation focused on accountability, rule of law and the security sector.

65. The UNMIS Rule of Law Corrections Unit is continuing needs assessment and training programmes for the Prisons Department in Khartoum, Port Sudan, Ed-Damazin, and Northern Kordofan State. Seconded Corrections Advisers in each State have continued capacity-building, mentoring and training programmes for the Southern Sudan Prisons Service. The Unit also supervised the construction of new prison facilities in Yambio (Western Equatoria State) and Yei (Central Equatoria State), and delivered medical supplies, equipment, and other items to the Omdurman Women's Prison.

Child protection

66. Despite earlier progress in the identification and release of children associated with SPLA, full demobilization and reintegration of child soldiers remains a serious challenge. Sixty-one boys registered for demobilization in the fall of 2008 were redeployed with SPLA in Upper Nile State. The children and their commanders cited lack of reintegration programmes for child soldiers as the reason for their remobilization.

Protection of civilians

67. During the hostilities in Malakal, UNMIS Protection staff identified areas where vulnerable civilians were concentrated, which were then included in UNMIS daily patrols. UNMIS also provided potable water and medical treatment for 41 adults and 104 children suffering from dehydration and malaria at these locations.

68. According to the Southern Sudan Relief and Rehabilitation Commission, as at 10 March 2009, LRA attacks directed against civilians in Southern Sudan since December 2008 had displaced at least 38,391 civilians in Western and Central Equatoria States. Since December, at least 81 civilians have been killed and 74 persons abducted. The impact on children has been particularly severe.

Public information

69. The UNMIS Public Information Office continued to promote accurate national and international media reporting on the implementation of the Comprehensive Peace Agreement. The Spokesperson's office repeatedly refuted local media reports ascribing false positions to the Mission leadership on issues related to the International Criminal Court. On 27 January, the office conducted a media-training workshop for journalists from various Khartoum-based news media. Photo, video and reportorial staff joined UNMIS Radio, Miraya FM, to provide full coverage of the 9 January ceremony in Malakal marking the fourth anniversary of the signing of the Comprehensive Peace Agreement.

70. According to a recent audience research survey by the United States Agency for International Development-funded Education Development Center, 71 per cent of those interviewed in Southern Sudan cited Radio Miraya FM as their most influential and significant information source. The survey showed Miraya FM to be the most popular station, with a 53 per cent audience share. Miraya FM also airs via

short-wave radio daily programming on issues related to the Comprehensive Peace Agreement and Darfur.

Mine action

71. UNMIS Mine Action teams made significant progress during the recent dry season. To date, the mine action programme has cleared 2,688 of the 4,302 identified dangerous areas and opened 29,503 kilometres of road. Major accomplishments in the reporting period include the clearance of the Lobanok Minefield in Central Equatoria State, Katcha Minefield in South Kordofan State and Kurmuk Minefield in Blue Nile State. Additional accomplishments include the surveying and clearance of high-priority routes such as Narus-Boma in Jonglei State, Rumbek-Tonj in Warrab and Lakes States, and Raga-Deim Zubeir in Northern Bahr El Ghazal. UNMIS and the United Nations Children's Fund have provided mine risk education to more than 2,715,383 people in affected areas and internally displaced persons in camps and way-stations.

Conduct and discipline

72. Preventing and addressing of misconduct remained the priority of the UNMIS Conduct and Discipline Unit. Various training, briefing and outreach activities were conducted by Unit staff throughout the period. Briefings on conduct and discipline matters continue to be a part of the induction training for newly arrived personnel. Efforts resulted in the significant decrease of allegations of misconduct. UNMIS has received only five allegations in 2009, a more than 70 per cent reduction over the same period in 2008.

73. In February, UNMIS police team site leaders deployed in Northern Sudan and other senior police staff attended the training session on conduct and discipline and sexual abuse and exploitation issues. The same training is planned for UNMIS police advisers deployed in Southern Sudan. UNMIS also provided additional training to investigators working for the UNMIS Security Section.

Gender

74. The UNMIS Gender Unit focused its activities to support the implementation of Security Council resolutions 1325 (2000) and 1820 (2008), and the Department of Peacekeeping Operations Policy Directive on Gender Equality. The Unit served as a designated focal point for Security Council resolution 1820 (2008) and oversaw the associated reporting process. The Unit conducted training and capacity-development activities on the protection of civilians and gender-based violence for external partners, including the national police, civil society organizations and community leaders.

75. As part of the UNMIS Elections Taskforce, the Unit advised on National Elections Commission capacity-building and the development of civic and voter education materials. The Unit also participated in the launch of the demobilization exercise in Blue Nile State and the planning process for the upcoming exercise in South Kordofan State. In Southern Sudan, UNMIS conducted gender training for

middle management prison officials from Lakes State, Unity State and Northern Bahr El Ghazal State.

HIV/AIDS

76. The UNMIS HIV/AIDS Unit shifted its main effort towards support for HIV integration in Disarmament, Demobilization and Reintegration Commission programmes. Following the February launch of the National Disarmament, Demobilization and Reintegration Programme, the Unit trained 29 Change Agents as part of an HIV/AIDS sensitization strategy targeting 5,000 former combatants.

77. The Unit provided 1,430 UNMIS peacekeepers with HIV sensitization, with emphasis on the implementation of Security Council resolution 1820 (2008). The Mission's HIV/AIDS outreach activities reached over 3,431 Sudanese nationals through regional committees, focusing on police, armed forces, prisons, schools, and civil society organizations.

Staff security

78. Concern had been raised that the announcement of the International Criminal Court's arrest warrant for President al-Bashir could have serious and long-term implications for United Nations staff security in the Sudan. The Government has consistently reiterated its commitment to ensuring the safety and security of United Nations and associated personnel, but has noted that it cannot control extremist elements.

79. Some Sudanese political and civil society leaders have made public statements that could contribute to aggression against the United Nations and its staff. Some local media outlets have made damaging and factually incorrect allegations about the relationship between the United Nations and the International Criminal Court. Four incidents of threats against staff members were reported during the period under review, in addition to 20 acts of harassment by State actors and 14 arrests of staff members.

80. The United Nations had made extensive security preparations in the lead-up to the International Criminal Court announcement. The Country Security Plan had been thoroughly updated, and a variety of contingency plans are in place to mitigate foreseeable threats. Security advisories are regularly issued to update staff on the situation, and to pass instructions about the security measures that are in effect. In addition, the international and national staff wardens systems have been updated, and security exercises are being regularly conducted. Close liaison is maintained between United Nations security and the host Government's National Intelligence Security Services to respond to situations as they occur.

Coordination with other peacekeeping missions

81. UNMIS continued to implement cooperation mechanisms with UNAMID at senior management and working levels. UNMIS and UNAMID safety and security leadership regularly exchange relevant information, and efforts are under way to

establish a formal information exchange mechanism with the United Nations Mission in the Central African Republic and Chad (MINURCAT).

82. The regular exchange of information between the military components of UNMIS and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), UNAMID and MINURCAT continues.

Financial aspects

83. The General Assembly, by its resolution 62/267, appropriated for the maintenance of UNMIS for the period from 1 July 2008 to 30 June 2009, an amount of $820.7 million. By its draft resolution A/C.5/63/L.37 of March 2009, the Fifth Committee recommended to the General Assembly to appropriate an additional amount of $56.1 million for the maintenance of the Mission for the same period. The additional appropriation was needed to offset funding shortfalls across three major areas, including cost of personnel, fuel and aircraft rental. Should the Security Council decide to extend the mandate of UNMIS beyond 30 April 2009, the cost of maintaining the Mission until 30 June 2009 would be limited to the amounts approved by the General Assembly.

84. As at 31 March 2009, unpaid assessed contributions to the Special Account for UNMIS amounted to $66.1 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $2,884.2 million. Reimbursement of troop-contributing Governments for troop and contingent-owned equipment costs has been made for the period up to 31 December 2008 and 30 September 2008, respectively.

VII. Observations and recommendations

85. Many difficult and critical issues in the implementation of the Comprehensive Peace Agreement crowd the political agenda and can no longer be deferred. Both parties will need to show great determination to find acceptable solutions in the time available. They also need active, coordinated support from key international partners.

86. Maintaining peace and stability remains the primary goal of the United Nations, and it is on that goal that UNMIS will continue to focus its attention in line with its mandate provided by the Security Council. I urge the international community to work with the parties to create an environment conducive to fulfilling this goal. The humanitarian catastrophe that would ensue were the Comprehensive Peace Agreement to collapse must ensure that the international community remains focused on enabling the parties to successfully implement it.

87. The situation during the reporting period was dominated by the decision, on 4 March, of the Pre-Trial Chamber I of the International Criminal Court to issue a warrant for the arrest of Omar Hassan Ahmad al-Bashir, President of the Sudan, for two counts of war crimes and five counts of crimes against humanity. I recognize the authority of the International Criminal Court as an independent judicial institution, and trust that the Government of the Sudan will address the issues of peace and justice in a manner consistent with Security Council resolution 1593 (2005).

88. I strongly urge the Government of National Unity to reconsider the expulsion of 13 international NGOs and the closure of the 3 national NGOs from north Sudan. As evident in the Joint Assessment by the Government of National Unity and the United Nations, the expulsions and closures have the potential to create a serious humanitarian crisis. The United Nations will work with the Government and with its partners to fill some of the resulting gaps with short-term emergency interventions. But available capacity for immediate alternatives are limited given the sheer size of what has been the world's largest humanitarian programme. While the Government of National Unity has the right to take measures it may consider necessary to protect its sovereignty and security, I must stress that no evidence has been provided to support the expulsions. Moreover, anti-NGO rhetoric threatens not only the security of those organizations and the humanitarian community that remains in the Sudan, but also the continued delivery of vitally needed humanitarian services and human rights activities. Accordingly, I urge the Government to provide a secure and facilitative environment for their operations. The humanitarian programme has always been closely coordinated with the Government of National Unity, which has consistently acknowledged its value.

89. The removal of these non-governmental organizations has left large parts of the Three Areas and eastern Sudan with very little humanitarian, recovery, or reintegration support coverage. If not reversed, this may have a direct negative impact on efforts to promote peace and stability in these fragile regions, both through the provision of peace dividends, especially in high-risk areas, and reconciliation activities.

90. I am encouraged by the progress made in the disarmament, demobilization and reintegration programme and by the cooperation of and between the parties in this connection. The programme is achieving positive momentum which should lead to further confidence-building and progress in Comprehensive Peace Agreement implementation. I urge the donor community to provide additional funding for the reintegration programme to allow this momentum to continue. Similarly, I appeal to the Government of National Unity and the Government of Southern Sudan to urgently provide financial and material resources to the respective Disarmament, Demobilization and Reintegration Commissions to allow them to manage expanding their operations in the field in line with the principle of national ownership.

91. I welcome the National Elections Commission's announcement of a proposed electoral timeline and its efforts to establish their operational infrastructure throughout the Sudan. I also welcome their request to UNMIS for assistance, including in coordinating international electoral support, which is critical if the various, complex electoral timetables are to be managed coherently. The United Nations will do everything possible to support the National Elections Commission to organize and hold free, fair and peaceful elections, which are a cornerstone of the Comprehensive Peace Agreement. In this regard, I encourage the parties to expedite deliberations on the remaining elections-related legislation and to finalize the census and border demarcation processes to avoid further delay in the elections and other relevant provisions of the Comprehensive Peace Agreement.

92. I also reiterate the commitment of the United Nations to assist the parties in conducting free, fair and peaceful referendums in 2011 in Southern Sudan and Abyei. This goal must remain a priority for the parties regardless of other developments, and I restate my call on them to put in place the necessary legal and

institutional frameworks for the vote and post-referendum stability. Discussions on long-term wealth-sharing will undoubtedly be a key element in these preparations. I also call upon the parties to make the necessary preparations for popular consultations to be carried out by elected state legislators in Southern Kordofan and Blue Nile States. In the meantime, UNMIS continues to stand ready to support the two parties in honouring their commitment to "make unity attractive". I again urge them to explore every available option in pursuing this goal in the limited time remaining before 2011.

93. In view of the above, I recommend that the Security Council consider extending the mandate of UNMIS for a further period of 12 months, until 30 April 2010. In the light of the request of the National Electoral Commission for UNMIS to play a role in coordinating international support for the electoral process, I recommend that the Security Council enhance the Mission's electoral mandate by explicitly requesting it to support the National Electoral Commission in coordinating international assistance for the elections.

94. I welcome the progress made in implementing the Abyei Area Road Map, and commend the parties' efforts to pursue peaceful solutions to the problems surrounding the Abyei issue. Given the difficult and sensitive nature of these issues, it is imperative that the parties immediately begin discussions on implementing the Arbitral Tribunal's decision, whatever it may be. A fully functional Abyei Area Administration is a prerequisite for any decision of the Tribunal. The parties and the Administration must take the necessary steps to facilitate the adoption of its budget and the release of funds.

95. The recent incident in Malakal illustrates the volatility of the environment along the North-South border, and the speed with which the security situation can deteriorate. I call upon the parties to take the necessary steps to avoid such incidents in the future and I urge them to ensure that allegations of killings of civilians by security forces are thoroughly investigated and perpetrators prosecuted according to the law. I commend the Ceasefire Joint Military Commission's timely response, combined with the joint North-South intervention at the senior level, to contain the incident, which proved the effectiveness the ceasefire mechanisms can have if decisions are implemented quickly and decisively.

96. The Malakal incident has once again demonstrated the fragility of the Joint Integrated Units. They continue to face serious political, logistical and operational challenges, as highlighted in my previous reports. The Joint Integrated Units deployed in the Abyei Road Map Area face similar challenges. In this regard, I am concerned by the parties' continued postponement of the joint meeting of the Ceasefire Political Commission and the Joint Defence Board meant to address these challenges and once again urge them to commit themselves to ensuring their effectiveness.

97. I note with serious concern the impact on civilian populations of the inter-tribal violence in Southern Sudan and call upon the Government of Southern Sudan and local leaders to resolve these tensions peacefully and build confidence in the lead-up to the elections and referendum. UNMIS stands ready to support these efforts, in close coordination with local authorities.

98. The parties must work together closely as full partners if they are to tackle the challenges that lie ahead, and I commend all efforts to build a relationship that will

facilitate such a position. Reaching out to engage other Sudanese political parties will also become increasingly important as the process of democratic transformation progresses. Trust and cooperation are by no means easy, but they are absolutely necessary for the Sudan's future.

99. In conclusion, I wish to extend my gratitude to my Special Representative, to all United Nations staff working in the Sudan and to Member States, including troop- and police-contributing countries and donors, for their determined efforts to support the implementation of the Comprehensive Peace Agreement.

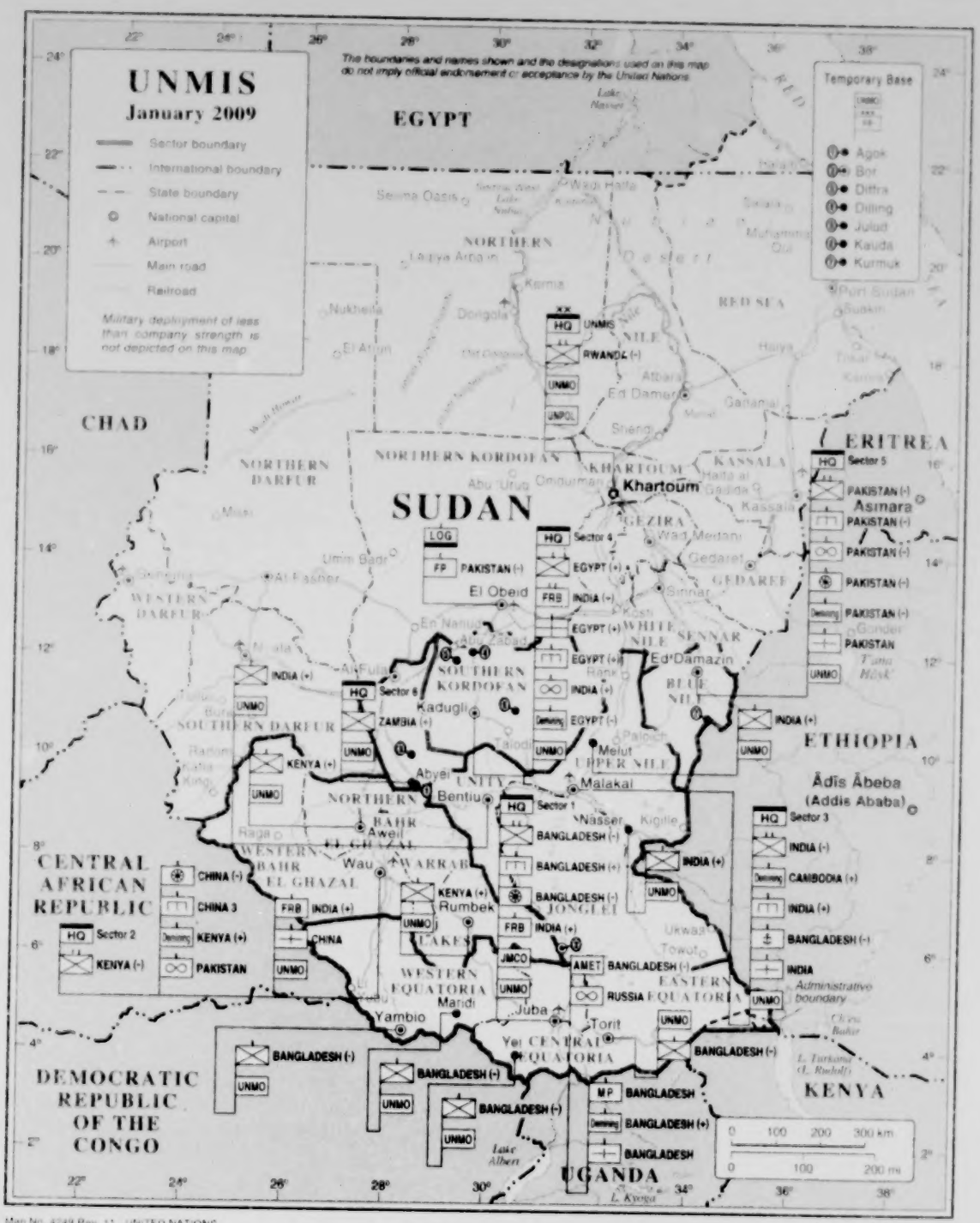
Annex

Military and police component as at 7 April 2009

	Military component									
	Observers		*Staff officers*		*Troops*		*Military subtotal*		*Civilian police*	
Country	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
Argentina										
Australia	5	1	7	2			12	3	8	
Bangladesh	21		27		1 514	5	1 562	5	34	
Belgium	4						4	0		
Benin	7						7	0		
Bolivia (Plurinational State of)	18						18	0		
Bosnia and Herzegovina							0	0	3	
Botswana										
Brazil	20		2				22	0	3	
Burkina Faso	6						6	0		
Cambodia	7		1		135		143	0		
Canada	18	1	7	1			25	2	17	
China	12		9		426	9	447	9	18	
Croatia			5				5	0		
Denmark	8	1	3	1			11	2	1	
Ecuador	17						17	0		
Egypt	21		18		781	15	820	15	14	
El Salvador	5						5	0		
Ethiopia							0	0	15	
Fiji	7						7	0	8	
Finland			1				1	0		
France							0	0		
Gabon	2						2	0		
Gambia							0	0	20	
Germany	28		5				33	0	5	
Ghana							0	0	32	
Greece	1		1				2	0		
Guatemala	7						7	0		
Guinea	8						8	0		
India	19		26	1	2 572	5	2 617	6	49	
Indonesia	12						12	0	20	
Italy							0	0		
Japan			2				2			
Jamaica							0	0		
Jordan	11		5				16	0	32	

	Military component									
	Observers		Staff officers		Troops		Military subtotal		Civilian police	
Country	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Kenya	6			1	764	54	770	55		
Kyrgyzstan	7	2					7	2		1
Malawi	4						4	0		
Malaysia	8		1				9	0	3	
Mali	3						3	0	1	
Mongolia	3						3	0		
Mozambique	1						1	0		
Namibia	3	3					3	3	3	3
Nepal	9		8				17	0	51	1
Netherlands	9	3	2				11	3	13	3
New Zealand	1	1	1				2	1		
Niger							0	0		
Nigeria	14	1	1				15	1	15	3
Norway	14		6				20		6	
Pakistan	18		19		1 533	7	1 570	7	17	1
Paraguay	7						7	0		
Peru	8						8	0		
Philippines	11						11	0	25	9
Poland	1						1	0		
Republic of Korea	6		1				7	0		
Republic of Moldova							0	0		
Romania	10		1				11	0		
Russian Federation	11		3		120		134	0	16	
Rwanda	15		2		248	6	265	6	12	1
Samoa							0	0	4	
Senegal							0	0		
Sierra Leone	3		1				4	0		
South Africa							0	0		
Sri Lanka	7						7	0	18	
Sweden	3		1				4	0	7	3
Thailand										
Turkey			3				3	0	31	1
Uganda	11	1					11	1	4	2
Ukraine	13						13	0	12	
United Kingdom			3				3	0		
United Republic of Tanzania	11	1					11	1		
United States of America							0	0	13	2
Uruguay								0		

	Military component									
	Observers		*Staff officers*		*Troops*		*Military subtotal*		*Civilian police*	
Country a	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*	*Male*	*Female*
Yemen	24		1				25	0	11	
Zambia	14		8		330	15	352	15	23	
Zimbabwe	12	2					12	2	26	
Totals by gender	**531**	**17**	**181**	**6**	**8 423**	**116**	**9 135**	**139**	**597**	
Total	**548**		**187**		**8 539**		**9 274**		**654**	



Map No. 4249 Rev. 11 UNITED NATIONS
January 2009

Department of Field Support
Cartographic Section